

QUESTIONS

For Petrs:

- ✓ 1. Isn't the intent of the 42d Congress, rather than any present-day perception of the crowdedness of the federal court docket, the proper inquiry for this Court in determining the effect of the enactment of § 1983?
2. Stone v. Powell rests upon the perception that the exclusion of evidence resulting from relitigation of fourth amendment claims in federal habeas corpus actions is detrimental to the truth-finding process that goes on in criminal trials. How does that conclusion have anything to do with the doctrine of res judicata?
3. Hasn't this Court determined that § 1738 means no more than that federal courts should follow the common law doctrines of res judicata?

For the Resp:

1. What damage will be done to the state courts by permitting federal courts to reach differing judgments on issues already ruled on in state courts?
2. In what cases would a federal court be required to give preclusive effect to a prior state judgment? How are those cases distinguished from this one? What sort of rule should the Court formulate?